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County of Alameda and Alameda County Deputy
Sheriff Joshua Mayfield
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 JOSEPH P. CUVIELLO and DENIZ
13 BOLBOL, individually,

14 Plaintiffs,

15 v.

16 ROWELL RANCH RODEO, INC.;
17 HAYWARD AREA RECREATION AND
PARK DISTRICT; HAYWARD AREA
18 RECREATION AND PARK DISTRICT
PUBLIC SAFETY MANAGER/RANGER
19 KEVIN HART; ALAMEDA COUNTY
SHERIFF'S OFFICE; ALAMEDA COUNTY
20 DEPUTY SHERIFF JOSHUA MAYFIELD;
and DOES 1 and 2, in their individual and
21 official capacities, jointly and severally,

22 Defendants.
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Case No. 3:23-cv-01652-VC

**DEFENDANT COUNTY OF
ALAMEDA'S UPDATED RESPONSE
TO PLAINTIFFS'
INTERROGATORIES, SET ONE**

1 PROPOUNDING PARTY: PLAINTIFFS JOSEPH P. CUVIELLO and DENIZ BOLBOL
 2 RESPONDING PARTY: DEFENDANT COUNTY OF ALAMEDA
 3 SET NO.: ONE

4 Defendant COUNTY OF ALAMEDA ("Responding Party") hereby makes the following
 5 updated responses to Plaintiffs JOSEPH P. CUVIELLO and DENIZ BOLBOL ("Plaintiffs")
 6 Interrogatories, Set One.

7 **PRELIMINARY STATEMENT**

8 Responding Party has not fully completed discovery in this action and has not completed
 9 preparation for trial. The responses contained herein are based only upon such information and
 10 documents as are presently available to, and specifically known to Responding Party, and disclose
 11 only those facts and contentions which presently occur to Responding Party. It is anticipated that
 12 further discovery will supply additional facts and add meaning to known facts, as well as
 13 establish new factual conclusions and legal contentions, all of which may lead to substantial
 14 additions to, and/or changes and variations from the responses set forth herein.

15 The following responses are given without prejudice to Responding Party and Responding
 16 Party's right to produce evidence of any subsequently discovery fact or facts which Responding
 17 Party later discover. Responding Party accordingly reserves the right to amend any and all
 18 responses herein as additional facts are ascertained, analyses are made, legal research is
 19 completed, and contentions are made. The responses made herein are made in a good faith effort
 20 to supply as much specification of the facts and contentions as are presently known, which should
 21 in no way be to the prejudice of Responding Party in relation to further discovery, research or
 22 analysis.

23 **RESPONSES TO INTERROGATORIES**

24 **INTERROGATORY NO. 1:**

25 DESCRIBE the policies and procedures YOU follow to ensure that YOUR employees do
 26 not violate a DEMONSTRATOR'S FIRST AMENDMENT RIGHTS at the Rowell Ranch Rodeo
 27 Park in Hayward, California.

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RESPONSE NO. 1:

Responding Party objects that this interrogatory is overbroad and unduly burdensome to the extent it requires the County of Alameda to undertake a County-wide search for responsive information and documents, and accordingly limits its response to the Alameda County Sheriff's Office. Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

The Alameda County Sheriff's Office provides its recruits with training and instruction in First Amendment issues during the Academy instructional program. Academy is a state-wide program operated by the State of California's Commission on Peace Officer Standards and Training ("POST"). In Alameda County, POST is handled through the Alameda County Sheriff's Office's Regional Training Center in conjunction with Chabot College. The State-wide program requires 664 hours of instruction and training; Alameda County Sheriff's Office provides 1,064 hours.

During Academy, the Alameda County Sheriff's Office recruits receive training and instruction in free speech issues under the First Amendment and the California Constitution. At least three of the Academy's learning domains address free speech issues: Domaine 2, Criminal Justice System; Domain 4, Handling Disputes/Crowd Control; and Domain 39, Crimes Against the Justice System. The learning domains include textbook assignments, lectures, PowerPoint presentations, question and answer periods with the instructors, and classroom discussion. The training addresses, among other topics, the free speech rights of demonstrators and limitations on those rights under the Constitution.

The Alameda County Sheriff's Office also conducts a one day training for all deputies and sergeants every October. This training addresses free speech issues that may arise and how to handle them.

In addition, deputies who are a part of the Sheriff's Office's Crowd Management Team receive one day of training each month; this training may on occasion address free speech issues.

Moreover, the deputies who are assigned to provide a law enforcement presence at non-violent events, such as the Rowell Ranch Rodeo, that may involve demonstrations may be provided a “refresher” regarding free speech issues by the incident commander prior to arriving at the event. In addition, there is on the job training provided to the less experienced deputies by more senior deputies, sergeants, and others.

INTERROGATORY NO. 2:

DESCRIBE the training and instruction YOU provide to YOUR employees to ensure compliance with the policies and procedures described in Interrogatory No. 1, including specifications for differences in training and instructions for different individuals.

RESPONSE NO. 2:

Responding Party objects that this interrogatory is overbroad and unduly burdensome to the extent it requires the County of Alameda to undertake a County-wide search for responsive information and documents, and accordingly limits its response to the Alameda County Sheriff’s Office. Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

The Alameda County Sheriff’s Office provides its recruits with training and instruction in First Amendment issues during the Academy instructional program. Academy is a state-wide program operated by the State of California’s Commission on Peace Officer Standards and Training (“POST”). In Alameda County, POST is handled through the Alameda County Sheriff’s Office’s Regional Training Center in conjunction with Chabot College. The State-wide program requires 664 hours of instruction and training; Alameda County Sheriff’s Office provides 1,064 hours.

During Academy, the Alameda County Sheriff’s Office recruits receive training and instruction in free speech issues under the First Amendment and the California Constitution. At least three of the Academy’s learning domains address free speech issues: Domaine 2, Criminal Justice System; Domain 4, Handling Disputes/Crowd Control; and Domain 39, Crimes Against

1 the Justice System. The learning domains include textbook assignments, lectures, PowerPoint
 2 presentations, question and answer periods with the instructors, and classroom discussion. The
 3 training addresses, among other topics, the free speech rights of demonstrators and limitations on
 4 those rights under the Constitution.

5 The Alameda County Sheriff's Office also conducts a one day training for all deputies and
 6 sergeants every October. This training addresses free speech issues that may arise and how to
 7 handle them.

8 In addition, deputies who are a part of the Sheriff's Office's Crowd Management Team
 9 receive one day of training each month; this training may on occasion address free speech issues.

10 Moreover, the deputies who are assigned to provide a law enforcement presence at non-
 11 violent events, such as the Rowell Ranch Rodeo, that may involve demonstrations may be
 12 provided a "refresher" regarding free speech issues by the incident commander prior to arriving at
 13 the event. In addition, there is on the job training provided to the less experienced deputies by
 14 more senior deputies, sergeants, and others.

15 **INTERROGATORY NO. 3:**

16 IDENTIFY all individuals and entities consulted to establish the policies and procedures
 17 described in Interrogatory No. 1.

18 **RESPONSE NO. 3:**

19 Responding Party objects that this interrogatory is overbroad and unduly burdensome to
 20 the extent it requires the County of Alameda to undertake a County-wide search for responsive
 21 information and documents, and accordingly limits its response to the Alameda County Sheriff's
 22 Office. Responding Party objects to this interrogatory to the extent it calls for information or
 23 documents protected by the attorney-client privilege and work product doctrine. Subject to and
 24 without waiving said objections, Responding Party responds as follows:

25 State of California's Commission on Peace Officer Standards and Training, Alameda
 26 County Sheriff's Office, and Chabot College.

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INTERROGATORY NO. 4:

IDENTIFY the person(s) who determined where to locate the “Free Speech Area” that was set up on May 20, 2022.

RESPONSE NO. 4:

Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

Responding Party has no independent information responsive to this request, beyond the documents produced by Rowell Ranch Rodeo and HARD in this action. The Alameda County Sheriff’s Office had no role and provided no input in determining where the Free Speech Area for the May 2022 rodeo would be located.

INTERROGATORY NO. 5:

DESCRIBE the process and determining factors for the location of the “Free Speech Area” during the 2022 Events.

RESPONSE NO. 5:

Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

Responding Party has no independent information responsive to this request, beyond the documents produced by Rowell Ranch Rodeo and HARD in this action. The Alameda County Sheriff’s Office had no role and provided no input in determining where the Free Speech Area for the May 2022 rodeo would be located.

INTERROGATORY NO. 6:

DESCRIBE whether YOU provided any input regarding the location of the “Free Speech Area” during the 2022 Events.

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RESPONSE NO. 6:

Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

Responding Party has no independent information responsive to this request, beyond the documents produced by Rowell Ranch Rodeo and HARD in this action. The Alameda County Sheriff's Office had no role and provided no input in determining where the Free Speech Area for the May 2022 rodeo would be located.

INTERROGATORY NO. 7:

DESCRIBE all conversations, including in-person, in writing and via telephone, YOU had with any individual or agency, including but not limited to Rowell Ranch Rodeo, Inc. representatives or its employees, and Hayward Area Recreation and Park District employees or its representatives, regarding the demonstration activities during the 2022 Events.

RESPONSE NO. 7:

Responding Party objects that this interrogatory is overbroad and unduly burdensome to the extent it requires the County of Alameda to undertake a County-wide search for responsive information and documents, and pursuant to an agreement with plaintiffs' counsel, accordingly limits its response to the Alameda County Sheriff's Office. Responding Party also limits its response to the demonstrations on May 20, 2022. Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

Shortly before the four Sheriff's Office deputies arrived at Rowell Ranch, Rowell Ranch volunteer and Public Safety Coordinator Gary Houts made a telephone call to Sheriff's Office Emergency Dispatch Officer Melissa McMaster on May 20, 2022. A recording of this telephone call has been produced to the parties.

1 Shortly after the four Sheriff's Office deputies arrived at Rowell Ranch, Sheriff's Office
 2 Emergency Dispatch Officer Amy Bowles radioed Dep. Joshua Mayfield on May 20, 2022. A
 3 recording of this radio call has been produced to the parties.

4 Deputy Sheriffs Joshua Mayfield, Christian Campbell, Sowmya Ramadas, and Matthew
 5 Laszuk were present at the Rowell Ranch Rodeo on May 20, 2022. During that time, they
 6 discussed the demonstrations amongst themselves, with the demonstrators, with HARD
 7 employees, and/or with Rowell Ranch Rodeo volunteers. During the demonstrations, Dep.
 8 Mayfield also initiated a telephone conversation with Sgt. Moises Gomez, the Sergeant on Duty
 9 for the Sheriff's Deputies at the rodeo. Dept. Mayfield wanted to appraise Sgt. Gomez of the
 10 situation. In sum, Dept. Mayfield advised Sgt. Gomez of the ongoing demonstrations and that the
 11 demonstrators had been conducting themselves peacefully; that HARD/Rowell Ranch had
 12 requested that the Sheriff's Deputies instruct the demonstrators to relocate to the Free Speech
 13 Area; that he had no intention of compelling the demonstrators to relocate to the Free Speech
 14 Area; and that he also had no intention of arresting the demonstrators unless they blocked
 15 ingress/egress (a trespassing violation), became violent, or otherwise broke the law. Sgt. Gomez
 16 expressed his agreement with Dep. Mayfield's plan for handling the demonstrations. This
 17 conversation was not memorialized by audio recording or in writing by either Dep. Mayfield or
 18 Sgt. Gomez.

19 **INTERROGATORY NO. 8:**

20 IDENTIFY the employees or representatives of YOUR office that participated in the
 21 communications described in Interrogatory No.7.

22 **RESPONSE NO. 8:**

23 Responding Party objects that this interrogatory is overbroad and unduly burdensome to
 24 the extent it requires the County of Alameda to undertake a County-wide search for responsive
 25 information and documents, and pursuant to an agreement with plaintiffs' counsel, accordingly
 26 limits its response to the Alameda County Sheriff's Office. Responding Party also limits its
 27 response to the demonstrations on May 20, 2022 and to the communications identified in

Interrogatory No. 7. Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

Sheriff's Office Emergency Dispatch Officers Melissa McMaster and Amy Bowles; Sheriff's Deputies Joshua Mayfield, Christian Campbell, Sowmya Ramadas, and Matthew Laszuk, and Sgt. Moises Gomez.

INTERROGATORY NO. 9:

DESCRIBE the telephone conversations YOU or your employees participated in on May 20, 2022, including but not limited to the conversation as referenced in paragraph 41 of the Complaint, including all details of the call.

RESPONSE NO. 9:

Responding Party objects that this interrogatory is overbroad and unduly burdensome to the extent it requires the County of Alameda to undertake a County-wide search for responsive information and documents, and outside the scope of discovery permitted by F.R.C.P. § 26(b)(1) to the extent it is not limited to the 2022 demonstrations at the Rowell Ranch Rodeo.

Accordingly, pursuant to an agreement with plaintiffs' counsel, Responding Party accordingly limits its response to the Alameda County Sheriff's Office. Responding Party also limits its response to the demonstrations on May 20, 2022 and to the communications identified in Interrogatory No. 7. Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine.

Subject to and without waiving said objections, Responding Party responds as follows:

Shortly before the four Sheriff's Office deputies arrived at Rowell Ranch, Rowell Ranch volunteer and Public Safety Coordinator Gary Houts made a telephone call to Sheriff's Office Emergency Dispatch Officer Melissa McMaster on May 20, 2022. A recording of this telephone call has been produced to the parties.

During the demonstrations, Dep. Mayfield also initiated a telephone conversation with Sgt. Moises Gomez, the Sergeant on Duty for the Sheriff's Deputies at the rodeo. In sum, Dept. Mayfield wanted to appraise Sgt. Gomez of the situation. He advised Sgt. Gomez of the ongoing demonstrations and that the demonstrators had been conducting themselves peacefully; that HARD/Rowell Ranch had requested that the Sheriff's Deputies instruct the demonstrators to relocate to the Free Speech Area; that he had no intention of compelling the demonstrators to relocate to the Free Speech Area; and that he also had no intention of arresting the demonstrators unless they blocked ingress/egress (a trespassing violation), became violent, or otherwise broke the law. Sgt. Gomez expressed his agreement with Dep. Mayfield's plan for handling the demonstrations. This conversation was not memorialized by audio recording or in writing by either Dep. Mayfield or Sgt. Gomez.

IDENTIFY the employees or representatives of YOUR office that participated in the communications described in Interrogatory No. 9.

Responding Party objects that this interrogatory is overbroad and unduly burdensome to the extent it requires the County of Alameda to undertake a County-wide search for responsive information and documents, and outside the scope of discovery permitted by F.R.C.P. § 26(b)(1) to the extent it is not limited to the 2022 demonstrations at the Rowell Ranch Rodeo. Responding Party accordingly limits its response to the Alameda County Sheriff's Office. Responding Party also limits its response to the demonstrations on May 20, 2022 and to the communications identified in Interrogatory No. 7. Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

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SET ONE

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1 Sheriff's Office Emergency Dispatch Officers Melissa McMaster and Amy Bowles;
 2 Sheriff's Deputies Joshua Mayfield, Christian Campbell, Sowmya Ramadas, and Matthew
 3 Laszuk, and Sgt. Moises Gomez.

4 **INTERROGATORY NO. 11:**

5 DESCRIBE the telephone conversations YOU or your employees participated in on May
 6 20, 2022, including but not limited to the conversation as referenced in paragraph 110 of the
 7 Complaint, including all details of the call.

8 **RESPONSE NO. 11:**

9 Responding Party objects that this interrogatory is overbroad and unduly burdensome to
 10 the extent it requires the County of Alameda to undertake a County-wide search for responsive
 11 information and documents, and outside the scope of discovery permitted by F.R.C.P. § 26(b)(1)
 12 to the extent it is not limited to the 2022 demonstrations at the Rowell Ranch Rodeo. Pursuant to
 13 an agreement with plaintiffs' counsel, Responding Party accordingly limits its response to the
 14 Alameda County Sheriff's Office. Responding Party objects to this interrogatory to the extent it
 15 calls for information or documents protected by the attorney-client privilege and work product
 16 doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

17 Shortly before the four Sheriff's Office deputies arrived at Rowell Ranch, Rowell Ranch
 18 volunteer and Public Safety Coordinator Gary Houts made a telephone call to Sheriff's Office
 19 Emergency Dispatch Officer Melissa McMaster on May 20, 2022. A recording of this telephone
 20 call has been produced to the parties.

21 Shortly after the four Sheriff's Office deputies arrived at Rowell Ranch, Sheriff's Office
 22 Emergency Dispatch Officer Amy Bowles radioed Dep. Joshua Mayfield on May 20, 2022. A
 23 recording of this radio call has been produced to the parties.

24 In sum, Dept. Mayfield wanted to appraise Sgt. Gomez of the situation. He advised Sgt.
 25 Gomez of the ongoing demonstrations and that the demonstrators had been conducting
 26 themselves peacefully; that HARD/Rowell Ranch had requested that the Sheriff's Deputies
 27 instruct the demonstrators to relocate to the Free Speech Area; that he had no intention of

1 compelling the demonstrators to relocate to the Free Speech Area; and that he also had no
 2 intention of arresting the demonstrators unless they blocked ingress/egress (a trespassing
 3 violation), became violent, or otherwise broke the law. Sgt. Gomez expressed his agreement with
 4 Dep. Mayfield's plan for handling the demonstrations. This conversation was not memorialized
 5 by audio recording or in writing by either Dep. Mayfield or Sgt. Gomez.

6 **INTERROGATORY NO. 12:**

7 IDENTIFY the employees or representatives of YOUR office that participated in the
 8 communications described in Interrogatory No. 11.

9 **RESPONSE NO. 12:**

10 Responding Party objects that this interrogatory is overbroad and unduly burdensome to
 11 the extent it requires the County of Alameda to undertake a County-wide search for responsive
 12 information and documents, and outside the scope of discovery permitted by F.R.C.P. § 26(b)(1)
 13 to the extent it is not limited to the 2022 demonstrations at the Rowell Ranch Rodeo. Responding
 14 Party accordingly limits its response to The Alameda County Sheriff's Office and to the
 15 communications described in Interrogatory No. 7. Responding Party objects to this interrogatory
 16 to the extent it calls for information or documents protected by the attorney-client privilege and
 17 work product doctrine. Subject to and without waiving said objections, Responding Party
 18 responds as follows:

19 Sheriff's Office Emergency Dispatch Officers Melissa McMaster and Amy Bowles;
 20 Sheriff's Deputies Joshua Mayfield, Christian Campbell, Sowmya Ramadas, and Matthew
 21 Laszuk, and Sgt. Moises Gomez.

22 **INTERROGATORY NO. 13:**

23 DESCRIBE any complaints, whether informal or formal, YOU have received alleging
 24 interference with a DEMONSTRATOR's FIRST AMENDMENT RIGHTS. This interrogatory is
 25 limited in time to the past five years, beginning July 1, 2018.

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RESPONSE NO. 13:

Responding Party objects that this interrogatory is overbroad and unduly burdensome to the extent it requires the County of Alameda to undertake a County-wide search for responsive information and documents, and outside the scope of discovery permitted by F.R.C.P. § 26(b)(1) to the extent it is not limited to the Alameda County Sheriff's Office and demonstrations at the Rowell Ranch Rodeo. Responding Party accordingly limits its response to the Alameda County Sheriff's Office and demonstrations at the Rowell Ranch Rodeo beginning July 1, 2018. .

Responding Party objects that this request to the extent it violates California Penal Code Section 832.5, Penal Code Section 832.7, Evidence Code Section 1043, and Gov. Code Section 7927.700.

Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

Other than plaintiffs' complaints against the County of Alameda regarding the demonstration at the 2022 Rowell Ranch Rodeo, Responding Party has not been able to identify any complaints from other demonstrators at the Rowell Ranch Rodeo since July 1, 2018.

INTERROGATORY NO. 14:

DESCRIBE any action YOU have taken regarding complaints alleging interference with a DEMONSTRATOR's FIRST AMENDMENT RIGHTS. This interrogatory is limited in time to the past five years, beginning July 1, 2018.

RESPONSE NO. 14:

Responding Party objects that this interrogatory is overbroad and unduly burdensome to the extent it requires the County of Alameda to undertake a County-wide search for responsive information and documents, and outside the scope of discovery permitted by F.R.C.P. § 26(b)(1) to the extent it is not limited to Alameda County Sheriff's Office and "DEMONSTRATORS" (defined by plaintiffs as demonstrators at rodeos) at the Rowell Ranch Rodeo. Responding Party accordingly limits its response to the Alameda County Sheriff's Office and demonstrators at the Rowell Ranch Rodeo on May 20, 2022. Responding Party objects to the extent that this

interrogatory violates the privacy rights of Responding Party's employees. Responding Party objects that this request to the extent it violates California Penal Code Section 832.5, Penal Code Section 832.7, Evidence Code Section 1043, and Gov. Code Section 7927.700. Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine.

INTERROGATORY NO. 15:

DESCRIBE any changes to YOUR policies and procedures described in Interrogatory No. 1 since May 2022.

RESPONSE NO. 15:

Responding Party objects that this interrogatory is overbroad and unduly burdensome to the extent it requires the County of Alameda to undertake a County-wide search for responsive information and documents, and accordingly limits its response to The Alameda County Sheriff's Office and to any changes made in response to the demonstrations at the 2022 rodeo. Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

Responding Party has not made any changes to its policies and procedures including training, regarding the handling of free speech matters in response to the events alleged in plaintiffs' Complaint.

INTERROGATORY NO. 16:

IDENTIFY the woman Deputy Mayfield hugged upon arrival at the Rowell Ranch Rodeo Park on May 20, 2022, as referenced in paragraph 110 of the Complaint.

RESPONSE NO. 16:

Responding Party objects to the extent that this interrogatory violates the privacy rights of Responding Party's employees. Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

- 14 -

1 Ashley Strassberg.

2 **INTERROGATORY NO. 17:**

3 DESCRIBE Deputy Mayfield's relationship with the woman IDENTIFIED in
4 INTERROGATORY No 16.

5 **RESPONSE NO. 17:**

6 Responding Party objects to the extent that this interrogatory violates the privacy rights of
7 Responding Party's employees. Responding Party objects to this interrogatory to the extent it
8 calls for information or documents protected by the attorney-client privilege and work product
9 doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

10 Dep. Joshua Mayfield knows Ashley Strassberg on a semi-social and a professional basis.
11 Ms. Strassberg was working for the Castro Valley Chamber of Commerce at the time that Dep.
12 Mayfield was working in the County of Alameda's Code Enforcement unit before he joined the
13 Sheriff's Office.

14 **INTERROGATORY NO. 18:**

15 DESCRIBE the reason why Deputy Mayfield, in his initial approach to Plaintiffs, on May
16 20, 2022, told them they were fine demonstrating where they were even though they were
17 demonstrating outside the "Free Speech Area," as referenced in paragraphs 42-43 of the
18 Complaint.

19 **RESPONSE NO. 18:**

20 Responding Party objects to the extent this interrogatory calls for a legal opinion.
21 Responding Party objects to this interrogatory to the extent it calls for information or documents
22 protected by the attorney-client privilege and work product doctrine. Subject to and without
23 waiving said objections, Responding Party responds as follows:

24 Dep. Joshua Mayfield and the Alameda County Sheriff's Office did not have any role or
25 input in establishing the Free Speech Area. When Dep. Mayfield arrived at the rodeo and initially
26 approached the demonstrators, he did not believe the demonstrators were breaking any law
27 simply by peacefully demonstrating where they were at that time, as long as they did not block

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1 ingress/egress to the rodeo arena (a trespassing violation), did not become violent, or did not
 2 otherwise break any other law. Accordingly, he had no intention of requiring them to move to the
 3 Free Speech Area or to arrest them if they did not. He communicated this to the demonstrators at
 4 that time.

5 **INTERROGATORY NO. 19:**

6 DESCRIBE the reason why on May 20, 2022 Deputy Mayfield, after telling Plaintiffs
 7 they were fine demonstrating outside the “Free Speech Area,” re-approached Plaintiffs with
 8 Defendant Kevin Hart and told Plaintiffs they could be arrested for demonstrating outside the
 9 “Free Speech Area,” as referenced in paragraphs 44-48 of the Complaint.

10 **RESPONSE NO. 19:**

11 Responding Party objects to the extent this interrogatory calls for a legal opinion.
 12 Responding Party objects to this interrogatory to the extent it calls for information or documents
 13 protected by the attorney-client privilege and work product doctrine. Responding Party objects to
 14 this interrogatory to the extent it assumes facts not in evidence; specifically, that he told plaintiffs
 15 that “they could be arrested could be arrested for demonstrating outside the ‘Free Speech Area’”;
 16 and that he was working “in concert” with Mr. Hart and/or HARD. Subject to and without
 17 waiving said objections, Responding Party responds as follows:

18 Dep. Joshua Mayfield and the Alameda County Sheriff’s Office did not have any role or
 19 input in establishing the Free Speech Area. When Dep. Mayfield arrived at the rodeo and initially
 20 approached the demonstrators, he did not believe the demonstrators were breaking any law
 21 simply by peacefully demonstrating where they were at that time, as long as they did not block
 22 ingress/egress to the rodeo arena (a trespassing violation), did not become violent, or did not
 23 otherwise break any other law. Accordingly, he had no intention of requiring them to move to the
 24 Free Speech Area or to arrest them if they did not. He communicated this to the demonstrators at
 25 that time.

26 A short while later, Dept. Mayfield walked over with Kevin Hart of HARD to the
 27 demonstrators. While Dept. Mayfield was standing there, Mr. Hart showed the demonstrators a

1 map of the rodeo grounds, including the Free Speech Area, and Mr. Hart requested that they
 2 relocate to the designated area. During this interchange between Mr. Hart and the demonstrators,
 3 Plaintiff Joseph P. Cuvillo turned to Dep. Mayfield and asked him if he was going to arrest him
 4 if he did not comply with Mr. Hart's request. Dep. Mayfield responded that he "could be
 5 arrested..." At the time he made the statement, Dep. Mayfield had no intention of arresting the
 6 demonstrators, but was merely informing them that if they blocked ingress/egress, were not
 7 otherwise peaceful, or broke other laws, that they could be arrested.

8 While Mr. Hart and the demonstrators continued to engage, Dep. Mayfield left and
 9 initiated a short telephone conversation with Sgt. Moises Gomez, the Sergeant on Duty for the
 10 Sheriff's Deputies at the rodeo. Dep. Mayfield wanted to appraise Sgt. Gomez of the situation.
 11 In sum, he advised Sgt. Gomez of the ongoing demonstrations and that the demonstrators had
 12 been conducting themselves peacefully; that HARD/Rowell Ranch had requested that the
 13 Sheriff's Deputies instruct the demonstrators to relocate to the Free Speech Area; that he had no
 14 intention of compelling the demonstrators to relocate to the Free Speech Area; and that he also
 15 had no intention of arresting the demonstrators unless they blocked ingress/egress (a trespassing
 16 violation), became violent, or otherwise broke the law. Sgt. Gomez expressed his agreement with
 17 Dep. Mayfield's plan for handling the demonstrations. This conversation was not memorialized
 18 by audio recording or in writing by either Dep. Mayfield or Sgt. Gomez.

19 After ending his telephone call with Sgt. Gomez, Dep. Mayfield returned to speak with
 20 Mr. Cuvillo and the other demonstrators, with the intention of repeating his early request that the
 21 demonstrators not block the ingress/egress and that they remain peaceful.

22 **INTERROGATORY NO. 20:**

23 IDENTIFY the person(s) Deputy Mayfield was speaking to on his cell phone, as
 24 referenced in paragraphs 49-50 of the Complaint.

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RESPONSE NO. 20:

Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

Sgt. Moises Gomez of the Alameda County Sheriff's Office.

INTERROGATORY NO. 21:

DESCRIBE the conversation Deputy Mayfield had with the person(s) IDENTIFIED in INTERROGATORY No. 19.

RESPONSE NO. 21:

Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

During the demonstrations, Dep. Mayfield initiated a short telephone conversation with Sgt. Moises Gomez, the Sergeant on Duty at the time. In sum, Dept. Mayfield wanted to appraise Sgt. Gomez of the situation. He advised Sgt. Gomez of the ongoing demonstrations and that the demonstrators had been conducting themselves peacefully; that HARD/Rowell Ranch had requested that the Sheriff's Deputies instruct the demonstrators to relocate to the Free Speech Area; that he had no intention of compelling the demonstrators to relocate to the Free Speech Area; and that he also had no intention of arresting the demonstrators unless they blocked ingress/egress (a trespassing violation), became violent, or otherwise broke the law. Sgt. Gomez expressed his agreement with Dep. Mayfield's plan for handling the demonstrations. This conversation was not memorialized by audio recording or in writing by either Dep. Mayfield or Sgt. Gomez.

INTERROGATORY NO. 22:

DESCRIBE the conversation Deputy Mayfield had with Defendant Kevin Hart and other police officers, as referenced in paragraph 50 of the Complaint.

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RESPONSE NO. 22:

Responding Party objects to this interrogatory to the extent it calls for information or documents protected by the attorney-client privilege and work product doctrine. Subject to and without waiving said objections, Responding Party responds as follows:

Dep. Joshua Mayfield explained to Mr. Hart that he and the other Deputies would not require the demonstrators to leave the rodeo grounds and/or relocate to the Free Speech Area as long as they did not block ingress/egress, became violent, or otherwise break any other law.

Dated: March 15, 2024

FENNEMORE WENDEL

By: 

William B. Rowell
Thiele R. Dunaway
Marc Brainich
Michele C. Kirrane
Attorneys for Defendants
County of Alameda and Alameda County
Deputy Sheriff Joshua Mayfield

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I have read the foregoing DEFENDANT COUNTY OF ALAMEDA'S UPDATED RESPONSE TO PLAINTIFFS' INTERROGATORIES, SET ONE and know its contents.

I am a Sergeant with the Alameda County Sheriff's Office, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 15, 2024, at Oakland, California.

Sgt. Luis Martinez
Print Name of Signatory

/s/ Sgt. Luis Martinez
Signature

CERTIFICATE OF SERVICE

Joseph P. Cuiello, et al. v. Rowell Ranch Rodeo, Inc., et al.
USDC – Northern District of California, Case No. 3:23-cv-01652-VC

I am a citizen of the United States and employed in County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California 94607.

On March 15, 2024, I served true copies of the following document(s) described as **DEFENDANT COUNTY OF ALAMEDA'S UPDATED RESPONSE TO PLAINTIFFS' INTERROGATORIES, SET ONE** on the interested parties in this action as follows:

Please see attached Service List.

BY EMAIL OR ELECTRONIC TRANSMISSION: By causing the document(s) listed above to be sent to the person at the e-mail addresses listed below. I did not receive, within a reasonable time after transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 15, 2024, at Oakland, California.



Lena S. Mason

SERVICE LIST

Joseph P. CuvIELlo, et al. v. Rowell Ranch Rodeo, Inc., et al.
USDC – Northern District of California, Case No. 3:23-cv-01652-VC

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